I. CLAIM AMENDMENTS

1. (Currently amended) A process for allocating a resource by a service provider having a plurality of service level agreements with a plurality of customers in a shared computing environment, the process comprising:

classifying a plurality of customers into a plurality of premium customers and a plurality of standard customers where a premium customer is entitled to a first compensation rate when there is a breach of a premium customer's service level agreement, where a standard customer is entitled to a second compensation rate when there is a breach of the standard customer's service level agreement, and where the second compensation rate is less than the first compensation rate;

responsive to a profiling tool indicating that the premium customer's available resource cannot provide an agreed service level resulting in a breach of the premium customer's service level agreement;

determining if the resource has been allocated to ~~an any~~ customer that is not using the resource;

responsive to determining that the resource has not been allocated to the ~~any~~ customer that is not using the resource, determining if the resource has been allocated to a standard customer; and

responsive to determining that the resource has been allocated to the standard customer, re-allocating the resource from the standard customer to the premium customer;

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~~so that the service provider minimizes a compensation to be paid to the premium customer.~~

2. (Currently amended) A data processing machine for allocating a resource by a service provider to a premium customer in a shared computing environment, the machine comprising:

a processor;

a memory;

a service level agreement stored in the memory, the service level agreement setting a threshold performance level for the resource and a penalty for failing to meet the threshold performance level;

means for causing the processor to measure a performance level of the resource; and

means for causing the processor to compare the performance level of the resource with the threshold performance level; and

responsive to determining that the performance level does not meet the threshold performance level, means for determining if the resource has been allocated to ~~an any~~ customer that is not using the resource,

responsive to determining that the resource has not been allocated to the ~~any~~ customer that is not using the resource, determining if the resource has been allocated to a standard customer, and

responsive to determining that the resource has been allocated to a standard customer, re-allocating the resource from the standard customer to the premium customer;

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~~so that the service provider minimizes the penalty for breaching the service level agreement~~

3. (Currently Amended) A program, encoded in a computer-readable medium, for allocating

a resource to a premium customer by a service provider in a shared computing environment, the

program comprising:

means for determining if a utilization of the resource has caused a breach of a service level

agreement with the premium customer;

means for determining if the resource has not been allocated to an any customer that is not

using the resource;

responsive to determining that the resource has not been allocated to the any customer that is

not using the resource, means for determining if the resource has been allocated to a

standard customer where a standard customer has a standard customer penalty for a

breach of a standard customer's service level agreement; and

responsive to determining that the resource has been allocated to a standard customer, means for

re-allocating the resource from the standard customer to the premium customer; ~~so that the~~

~~service provider minimizes a premium customer penalty for a breach of the premium customer's~~

~~service level agreement.~~

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